

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

<p>To:</p>		<p>Date of mailing (day/month/year)</p>
<p>Applicant's or agent's file reference 229-PCT</p>		<p style="text-align: center;">FOR FURTHER ACTION See paragraph 2 below</p>
<p>International application No. PCT/JP2005/005980</p>	<p>International filing date (day/month/year) 22.03.2005</p>	<p>Priority date (day/month/year) 30.03.2004</p>
<p>International Patent Classification (IPC) or both national classification and IPC</p>		
<p>Applicant HITACHI CONSTRUCTION MACHINERY CO., LTD.</p>		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA/JP</p>	<p>Authorized officer</p>
<p>Facsimile No.</p>	<p>Telephone No.</p>

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

I. Statement

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations:

Document 1: US 2001/0041123 A1 (James A. BAUMANN KOHLER, WI)
15 November 2001

& EP 1286901 A & WO 01/85577 A2

Document 2: JP 9-137472 A (Kubota Corp.),
27 May 1997,

Paragraph 0018; Figs. 1-4

Document 3: JP 2002-161550 A (Kubota Corp.),
04 June 2002,

Paragraph 0034

Document 4: JP 62-175271 A (Clark Equipment Co.),
31 July 1987,

& US 4711467 A & EP 0231642 A2

Document 5: Microfilm of the specification and drawings annexed to the request of Japanese
Utility Model Application No. 101236/1982 (Laid-open No. 8999/1984), (Nissan Motor Co.,
Ltd.),

20 January 1984

The inventions of claims 1, 4, and 8 do not appear to involve an inventive step based on documents 1-2 cited in the ISR. Using the configuration with using a bracket for installation of the lever and valve assembly to the frame described in document 2 for the well-known working machine described in document 1 would be easy for a person skilled in the art. The use of common support pins for the link mechanisms in order to aim for use of common members is merely a matter of design which can be achieved appropriately by a person skilled in the art.

The inventions of claims 2-3 do not appear to involve an inventive step based on documents 1-3 cited in the ISR. Application of the configuration with arrangement of the direction control valves close to the control object devices as described in document 3 at the time of application of the configuration of the lever and valve assembly described in document 2 to the well-known working machine described in document 1 would be easy for a person skilled in the art.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V.

The inventions of claims 5-6 do not appear to involve an inventive step based on documents 1-2 and 4 cited in the ISR. Using the configuration with installation of the lever device on a frame plate as described in document 4 at the time of application of the configuration of the lever and valve assembly described in document 2 to the well-known working machine described in document 1 would be easy for a person skilled in the art. Making the vertical plate for cab installation the object for installation of the lever and valve assembly is merely a matter of design which can be achieved appropriately by a person skilled in the art.

The invention of claim 7 does not appear to involve an inventive step based on documents 1-2 and 5 cited in the ISR. Using the well-known configuration with installation of a lock mechanism for the lever device as described in document 5 at the time of application of the configuration of the lever and valve assembly described in document 2 to the well-known working machine described in document 1 would be easy for a person skilled in the art.

The invention of claim 9 does not appear to involve an inventive step based on documents 1-3 cited in the ISR. Using the well-known configuration with use of signals for change-over valve switching control described in document 3 at the time of application of the configuration of the lever and valve assembly described in document 2 to the well-known working machine described in document 1 would be easy for a person skilled in the art.